REMARKS/ARGUMENTS

Favorable reconsideration is respectfully requested in view of the above amendments and the following discussion.

With respect to the requirement for restriction, applicant confirms the election of Group I, claims 1-18, with traverse. As presently amended, the claims to both the apparatus and the method require an improvement set forth in the subject matter of all of the claims. That improvement is classified in the same class and subclass for both the apparatus and the method and should remain in a single application, even though the improvement is expressed in different degrees of breadth. Accordingly, it is respectfully requested that the requirement for restriction be withdrawn and that all of the claims be examined in the present application.

With respect to the requirement to elect a single disclosed species, applicant confirms the election to prosecute Species I, FIGS. 1 and 2, in the present application. The following claims read on the elected species: Claims 1-11, 13 and 16-26. The following claims are considered to be generic: Claims 1-10, 13, and 16-26.

Claim 6 has been rejected under 35 U.S.C. 112 as being indefinite. The claim has been amended to point out more clearly that the "outer peripheral boundary" formerly set forth in both lines 2-3 and lines 3-4 are one and the same element. Thus, as set forth in the claim, the outlet of each of at least some of the lumens is located closely adjacent the outer peripheral boundary of the second

portion of the applicator, and, while closely adjacent, is spaced outwardly from that outer peripheral boundary. It is respectfully submitted that the rejection is obviated by the amendment and it is respectfully requested that the rejection be withdrawn.

The present invention is directed to an improvement in the manner in which a fluid material is delivered to an applicator from a source connected directly to the applicator. Although it is well known to provide implements with a connected source of fluid to be applied by the implement, prior art devices of that type have not dealt with the application of fluid materials which by their nature require immediate application upon exposure to ambient atmospheric conditions. As pointed out more specifically in the present specification, some coatings, adhesives and pharmaceutical preparations must be applied with minimal residence time on the applicator of an implement for effective application to a selected surface, and require an evenly distributed application of closely regulated amounts. In particular, where the fluid material is to be applied in very small volumes, precise distribution and regulation, together with immediate application, becomes critical to the effectiveness of the applied material.

The present invention provides improvements in method and apparatus which accomplish the objectives of better control of flow and distribution of a fluid delivered to an applicator, for closely regulated and evenly distributed more accurately determined smaller

volumes of fluid materials to be applied essentially immediately upon delivery to the applicator. Thus, a fluid material is delivered from a source to an applicator by a plurality of lumens which regulate the flow of fluid material and are arranged to provide an array of closely adjacent outlets of relatively small cross-sectional area surrounding the applicator to deliver the fluid material in closely adjacent separate streams of relatively small cross-sectional area which ring the applicator to lay down the fluid material in an even, controlled distribution, for immediate application. The prior art does not address the problem solved by the present invention and is devoid of any disclosure or suggestion of the improvement accomplished by the present invention, either in terms of method or a structural combination of elements for carrying out the method.

Claims 1, 2 and 17 have been rejected under 35 U.S.C. 102(b) as being anticipated by Glassman. Glassman discloses a toothbrush in which a dentifrice is discharged to bristles from a hollow handle through passageways located adjacent tufts of bristles. The bristle tufts are located along two parallel lines and the passageways are placed one to each tuft, along two parallel straight lines, alongside the tufts. Thus, only a single passageway directs dentifrice to each tuft. Neither a single tuft nor the entire group of tufts is surrounded by passageways and, since the objective of the Glassman device is merely to dispense a liquid, powder or paste for brushing with a toothbrush structure, the dentifrice is ejected through a

single passageway associated with each tuft of bristles. The single passageways are placed along parallel lines alongside the parallel lines of bristle tufts, and are not arranged in any array which surrounds either a bristle tuft or the group of bristle tufts. In contradistinction, the improvement of the present invention provides an array of closely adjacent small openings which surrounds the applicator so as to ring the applicator with small streams of fluid material for improved control and better distribution around the periphery of the applicator, accomplishing an immediate application of controlled, evenly distributed small volumes of fluid material. The reference neither anticipates nor renders obvious the particular subject matter of the present claims and the rejection based upon Glassman should be withdrawn.

Claims 1-6, 9 and 16-18 Have been rejected under 35 U.S.C. 102(b)as being anticipated by Baker. The irrigation brush disclosed in Baker dispenses water through an uninterrupted, continuous, fully annular orifice which extends around the periphery of the bristles of a brush. While a few webs (17) divide an annular space (15) inside a water jacket (14), that division is upstream of the exit orifice which itself is undivided and fully annular. Moreover, even where divided by the webs, the passages for the water within the jacket are very large, both in circumferential extent and in cross-sectional area, in comparison to the annular extent of the cross-sectional area which extends across the end of the jacket. The water is disclosed

as being ejected in an **annular** stream surrounding the bristle tuft, and that annular stream extends transversely across the entire end of the jacket.

In contradistinction, the subject matter of the present claims sets forth an arrangement wherein the fluid material is delivered to the outer peripheral surface of the applicator through individual separate lumens which supply an accurately regulated flow of fluid material to small, closely adjacent separate outlets. Moreover, the cross-sectional area of each outlet is substantially smaller than the transverse area adjacent the first end of the stem of the implement. The claimed construction accomplishes a controlled, even distribution of small volumes of fluid material, as contrasted with the large volume annular flow of water described in Baker. The construction is different for accomplishing entirely different objectives. Accordingly, Baker neither anticipates nor renders obvious the subject matter of the present claims and the rejection should be withdrawn.

Claims 10, 11 and 13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Seidler in view of Baker. Seidler discloses a liquid applicator in which liquid is delivered from a tube (12) to an integral brush (46) through a single central opening (42). As discussed above, Baker delivers water to a brush through a fully annular opening around a brush. No tenable combination of the two references is available to suggest the arrangement of lumens and

outlets set forth in the present claims. Neither reference addresses the objectives of the present improvement and to combine these references merely would result in an applicator in which liquid is delivered from a source to an integral brush through a passage leading to the central axis of the brush and through a fully annular opening extending around that axis. The present claims set forth a plurality of lumens providing a corresponding plurality of closely adjacent spaced apart separate outlets for small streams of accurately regulated and distributed smaller volumes of fluid material to an applicator for the immediate application of controlled amounts of the fluid material. The proposed combination of Seidler and Baker is untenable in rendering obvious the subject matter of the present claims.

Claims 7 and 8 have been rewritten as suggested and now are deemed to be allowable. The rewriting of claim 7 has added another independent claim to the application, calling for an additional filing fee of $100. Included herewith is a separate authorization to charge the fee to Deposit 502221.

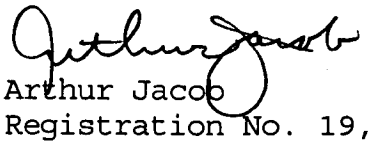
The remaining cited references have been reviewed and are deemed to add nothing by way of anticipation or rendering obvious the subject matter of the present claims. In particular, Hsu delivers water directly to a surface to be cleaned by spraying the water through a spray head. Kratochvil provides a trough around the bristles of a paint brush for collecting overflow paint from an

inverted brush. Ducts communicate with the trough for conducting the collected overflow within a cavity in the brush handle. The trough is in the form of a continuous oval and the ducts are few and far between.

In short, the prior art neither discloses nor suggests that improved control, distribution and immediate application of small volumes of fluid material supplied to an applicator can be obtained by delivering the fluid material to the applicator through a plurality of small lumens, which attain a better regulated flow of the fluid material, to a plurality of closely adjacent, separate outlets placed in an array around the applicator for surrounding the applicator with a plurality of closely adjacent, separate small streams of fluid material, which attain immediate application of closely controlled small volumes of the fluid material.

It is respectfully submitted that all of the claims listed herein are allowable and it is respectfully requested that all withdrawn claims be reinstated, all of the claims be allowed and the application be passed to issue.

Respectfully submitted,



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Applicant : Robert L. Newell Date: 4/8/05
Serial No. : 10/691,762 Art Unit: 3751
Response to Office Action of October 19, 2004

Authorization to Charge Deposit Account:

The application as filed included three independent claims. The above amendment places one additional independent claim in the application, bringing the number of independent claims to four, while the total number of claims remains unchanged.

Accordingly, the Patent and Trademark Office hereby is authorized to charge Deposit Account No. 502221 in the amount of $100 for the additional filing fee due.

Respectfully submitted,

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Applicant : Robert L. Newell Date: 4/8/05
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Request for Extension in Time to Respond

Applicant hereby requests that the period for response to the outstanding Office Action dated October 19, 2004, now set to expire on January 19, 2005, be extended by three (3) months, so as to expire on April 19, 2005.

Please charge the total amount of five-hundred-ten dollars ($510) to my credit card, as per the Credit Card Payment form (PTO-2038) to cover the requested three-month extension in time. Applicant qualifies for small entity status.

Please charge any additional fees due you to Deposit Account No. 502221.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO COMMISSIONER FOR PATENTS, AT (703) 872-9306 ON

APRIL 8, 2005
DATE

ARTHUR JACOB
NAME OF REGISTERED REPRESENTATIVE

SIGNATURE 4/8/05
DATE

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